

# **Exhibit 2**

**In The Matter Of:**  
*Darcy Corbitt, Destiny Clark, and Jane Doe v.  
Hal Taylor, etc., et al.*

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*Jeannie Eastman  
November 13, 2018*

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*Baker Realtime Worldwide Court Reporting & Video  
250 Commerce Street  
Third Floor, Suite One  
Montgomery, Alabama 36104  
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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE MIDDLE DISTRICT OF ALABAMA  
3                   NORTHERN DIVISION

5 CIVIL ACTION NO.: 2:18-CV-00091-MHT-GMB

7 DARCY CORBITT, DESTINY CLARK, and JANE DOE,

8 | Plaintiffs,

9 | v.

10 HAL TAYLOR, in his official capacity as  
11 Secretary of the Alabama Law Enforcement  
12 Agency, et al.

## 13 Defendants.

14

15 DEPOSITION OF JEANNIE EASTMAN

16 | November 13, 2018

17

1 A P P E A R A N C E S

2

3 FOR THE PLAINTIFFS:

4 AMERICAN CIVIL LIBERTIES UNION FOUNDATION

5 Gabriel Arkles

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10 ALABAMA CIVIL LIBERTIES UNION FOUNDATION

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16 FOR THE DEFENDANTS:

17 OFFICE OF THE ATTORNEY GENERAL, STATE OF

18 ALABAMA

19 Brad A. Chynoweth

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21 Montgomery, Alabama 36130

22

23

1 A P P E A R A N C E S (continued)

2

3 ALSO PRESENT:

4 **Meredith Barnes**

5

6 COURT REPORTER:

7 **BAKER REALTIME WORLDWIDE REPORTING & VIDEO**

8 **Elaine Scott**

9 **250 Commerce Street**

10 **Third Floor, Suite One**

11 **Montgomery, Alabama 36104**

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1 preparation for the deposition?

2 A. I spoke to the attorneys.

3 Q. Did you speak to anyone else who  
4 wasn't an attorney about the deposition?

5 A. Well, Chief Pregno was in one of  
6 the meetings. We had a meeting last week  
7 about some documents.

8 Q. And what was -- if something is  
9 privileged, just let me know. But was  
10 anything said in the meeting? What was said  
11 in that meeting with Chief Pregno?

12 A. It was just how we came about the  
13 documents.

14 Q. Like what was -- like what about  
15 the documents?

16 A. We -- that she ran a query on  
17 driver's license where the sex had been  
18 changed on them so we could get -- pull the  
19 documents of the ones that had sexual  
20 reassignment surgery.

21 Q. What about documents that were  
22 denied?

23 A. There's really no way to pull those

1 without driver's license numbers.

2 Q. So we, as in the opposing side, I  
3 guess, aren't able to see who's denied; is  
4 that right?

5 A. No. Like I said, there's no way to  
6 pull those documents without driver's license  
7 numbers.

8 Q. Who else was present at the time of  
9 the meeting with Chief Pregno?

10 A. Meredith and Jennifer Colquitt.  
11 She's one of the IT people.

12 Q. Why was she there, Jennifer  
13 Colquitt?

14 A. Because she's the one that ran the  
15 query.

16 Q. In your opinion do you think  
17 anything might be missing from the discovery?

18 A. No, sir.

19 Q. Is there any reason why you  
20 wouldn't be able to answer my questions fully  
21 and accurately today?

22 A. No, sir.

23 Q. Is it your understanding that

1 would do?

2 A. I would probably comment in the  
3 system.

4 Q. Where?

5 A. In the DB2.

6 Q. Is there a section for comments  
7 under that individual person?

8 A. It's under their driver's license.

9 Q. What do you do with the doctor's  
10 letter?

11 A. We would scan that into our Paper  
12 Vision System.

13 Q. Would you write anything on there  
14 like denied or anything like that?

15 A. Yes, usually. And probably just  
16 put -- like if they -- like if it didn't say  
17 that they had the surgery, then I would write  
18 that on there, that that's what we needed, a  
19 doctor's letter stating that they had the  
20 complete surgery.

21 Q. Do you ever make any phone calls?

22 A. I have called the doctor's office.

23 Q. How come?

1           A. Because the letter did not say that  
2 the surgery was complete.

3           Q. Where do you get that guidance  
4 from?

5           A. What do you mean?

6           Q. Who told you to call the doctors'  
7 offices?

8           A. I don't recall anybody telling me  
9 to.

10          Q. So you came up with that on your  
11 own?

12          A. I mean, we call about other things  
13 in the medical unit, so -- I mean, I don't  
14 know that that's said anywhere, that we call  
15 or not call.

16          Q. Does it say in the policy to call  
17 if you don't think the surgery was complete?

18          A. No.

19          Q. Does it say under number 2 in that  
20 middle section on Plaintiff's Exhibit 7 -- on  
21 page two of Plaintiff's Exhibit 7, what does  
22 it say if a physician -- can you read that  
23 line?

1           A. If a physician letter is presented  
2 there is no need to contact the physician  
3 unless there is some doubt as to the  
4 authenticity of the letter unless the  
5 surgeries have been performed in other  
6 countries.

7           Q. So it doesn't say anything about  
8 calling if the surgery is complete, right?

9           A. No. It just says if we have a  
10 doubt of the authenticity.

11           Q. But you have --

12           A. Which that says under the exam  
13 office part.

14           Q. So you have no idea where you heard  
15 about calling individuals' doctors' offices?

16           A. No.

17           Q. Roughly how many applications have  
18 you received from people seeking to change the  
19 sex designation on their driver's license?

20           A. I can't really give you a number of  
21 how many we've received, by how many we have  
22 done is like maybe ninety something.

23           Q. What do you mean done?

1 had the complete surgery or an amended birth  
2 certificate.

3 Q. And you do have the power to  
4 approve or deny an application yourself?

5 A. Yes.

6 Q. Do you ever have to talk to someone  
7 above you in a supervisory role about the  
8 application if you approve or deny it?

9 A. No, I don't have to talk to someone  
10 else.

11 Q. Do you ever share those approvals  
12 or denials with anyone else?

13 A. No.

14 Q. Do you ever share approvals or  
15 denials with the legal department?

16 A. No.

17 Q. How often do you call the  
18 physician's office when you receive an  
19 application?

20 A. I really don't recall but calling  
21 one time.

22 Q. What about Jerrolynn Spencer? Do  
23 you know of instances where she's called the

1 physician's office?

2 A. I'm sure she has.

3 Q. For the instance of -- that you  
4 recall about calling the physician's office,  
5 why did you call?

6 A. Because the letter did not say they  
7 had had the completed surgery.

8 Q. Who did you talk to at that  
9 physician's office?

10 A. It would have been the nurse that  
11 answered the phone or a nurse.

12 Q. What did you ask the nurse?

13 A. If the subject had had the  
14 completed surgery.

15 Q. What did the nurse say?

16 A. They said no in this case.

17 Q. Before you called the physician's  
18 office, did you first contact the applicant  
19 for permission?

20 A. No.

21 Q. Did you get a warrant?

22 A. No.

23 Q. What measures do you take to

1 protect the privacy of applicants that are  
2 trying to change the sex on their driver's  
3 licenses?

4 A. I just call the doctor's office and  
5 what that person -- if they had completed the  
6 surgery. It's, you know, to see if they met  
7 with our policy.

8 Q. And the doctor's offices give out  
9 that information?

10 A. They just said yes or no, you  
11 know. They said no on this case.

12 Q. Did they have any concerns about  
13 giving out private medical information to you?

14 A. No, because it was a letter that  
15 was sent by them. So I was just asking on the  
16 letter. Most of the time they'll put on there  
17 if you have any questions call.

18 Q. And you know for sure in this  
19 instance that the letter came from the  
20 office? Did you know in this instance that  
21 the letter came directly from the physician's  
22 office to ALEA?

23 A. I'm not sure if it came from the

1 physician's office or from the applicant.

2 Q. So if it came from the applicant,  
3 it didn't come directly from the physician's  
4 office, correct?

5 A. I mean, if the applicant sent it  
6 in, no, it didn't come directly from --

7 Q. Does that applicant know that you  
8 might call their physician?

9 A. No.

10 Q. Would you say that your medical  
11 record is private?

12 A. The medical record is.

13 Q. Does that include surgeries on  
14 someone's body? Are surgeries on someone's  
15 body a part of the medical record?

16 A. Yes.

17 Q. And that would be private, right?

18 A. Yes.

19 Q. Did you ever hesitate about calling  
20 a physician's office?

21 A. I mean, I don't like calling the  
22 physician's office, but if there's a question  
23 about the documentation that was sent in to

1 us, then I would call.

2 Q. But no one told you to call the  
3 physician's office about whether or not the  
4 surgery was complete or not, right?

5 A. No.

6 Q. And you have no idea where that  
7 idea came from, right?

8 A. I just -- as far as I know, you  
9 know, we've always called about different  
10 things, so --

11 Q. So you call physicians' offices on  
12 other issues in the medical unit?

13 A. Yes.

14 Q. Can you look back at Exhibit 7,  
15 which again is discovery number 1 and number  
16 2? And you've already stated you recognize  
17 this document, right?

18 A. Yes.

19 Q. How did you first learn about the  
20 policies in Plaintiff's Exhibit 7?

21 A. What do you mean how did I learn?

22 Q. When did you first hear about  
23 policy order 63?

1           A. When I became supervisor over the  
2 medical unit, I believe.

3           Q. So you think day one you learned  
4 about it?

5           A. Well, I can't say it's day one. I  
6 am sure it's when someone had called in  
7 questioning it.

8           Q. Do you remember who you asked a  
9 question of since you probably didn't know  
10 what to do, right?

11          A. I can't say for sure.

12          Q. Has anyone told you why this policy  
13 is in place?

14          A. Well, it's in place to -- so, you  
15 know, not just everybody can come in and  
16 change the sex on the license.

17          Q. Does that happen frequently?

18          A. What? Somebody coming in wanting  
19 the sex changed? No. I mean --

20          Q. Do you suspect that there's people  
21 that come in to change the sex and they're  
22 fraudulent, they're not actually transgender?

23          A. I'm sure there could be.

1           Q. Do you know of any instances of  
2 that happening?

3           A. No.

4           Q. So as far as you know that's never  
5 happened?

6           A. As far as I know.

7           Q. So then do you know why the policy  
8 is in place if it's not really a fear?

9           MR. CHYNOWETH: Object to the form.

10          Q. Is that the only reason that the  
11 policy is in place?

12          A. (No response.)

13          Q. I'll restate. Is the only reason  
14 the policy is in place is to stop people from  
15 come in and changing the sex fraudulently?

16          A. It may not be the only reason, but  
17 I'm not sure.

18          Q. Is that the only reason you know  
19 of?

20          A. I don't know.

21          Q. You don't know if that's the only  
22 reason you know of?

23          A. I don't know where you're going.

1 where to go with this. Okay. I didn't start  
2 taking all the responsibilities right off when  
3 I was supervisor because I had another unit  
4 also. So I'm sure if I got a letter I went to  
5 her and asked her about it.

6 Q. So as best as you can recall Diane  
7 might explain what the letter means?

8 A. That would have been who I would  
9 have gone to if I --

10 Q. Did you ever receive any written  
11 guidance outside of what's in the policy?

12 A. No.

13 Q. Have you ever given any verbal  
14 guidance about the policy?

15 A. Yes.

16 Q. What was it?

17 A. Well, applicants take letters into  
18 the driver's license offices, and then they'll  
19 call me. And they'll usually fax the letter  
20 over to me so I can read it to guide them if  
21 it has the correct information on it to change  
22 the sex on the license.

23 Q. But do you give any verbal guidance

1           A. And then got a letter from another  
2 doctor for the same person stating that the --  
3 they had a surgical procedure.

4           Q. What's wrong with that?

5           A. It did not say they had the  
6 complete surgery, which the doctor stated in  
7 the other letter that they had, that he had  
8 just examined them.

9           Q. It sounds like you know what  
10 complete surgery is, right?

11           A. Well, the complete surgery would  
12 have to be having all your -- the top part,  
13 bottom part done surgical to make you a female  
14 or a male.

15           Q. Who told you that?

16           A. I mean, nobody told me that.

17           Q. So you came up with that?

18           MR. CHYNOWETH: Object to the form.

19           A. Well, I don't see how a person  
20 could be a -- I mean -- let me think which  
21 way -- I mean, if you -- how can you change  
22 your sex if you don't have the top and bottom  
23 done? That's what we mean by completed

1 surgery.

2 Q. But you're not a physician, right?

3 A. No, I'm not.

4 Q. So where are you getting this  
5 from? Correct me if I'm wrong. It sounds  
6 like it's coming from you, right?

7 A. Yes, I said that.

8 Q. So you think the policy should be a  
9 little bit more rigorous and doctors should --  
10 it should require that doctors' notes have  
11 under penalty of perjury, right?

12 A. Well, to make sure it that is from  
13 a doctor, yes, what is in it is true.

14 Q. And you think that some physicians  
15 are not telling the truth; is that right?

16 A. I think there could be some that  
17 don't.

18 Q. Do you have --

19 A. Or we could get forged letters.

20 Q. Couldn't someone forge a letter and  
21 still put penalty of perjury on there?

22 A. It would be notarized and  
23 everything.

1           A. No.

2           Q. Does it matter what that state's  
3 policy for changing the sex designation on the  
4 birth certificate is?

5           A. Not as long as we have an amended  
6 birth certificate.

7           Q. So even if another state does not  
8 force its citizens to have genital surgery  
9 you'll still accept that amended birth  
10 certificate; is that right?

11           MR. CHYNOWETH: Object to the form.

12           A. Yes.

13           Q. I'll repeat it in another way  
14 also. If another state does not require  
15 surgery, then you'll still accept that birth  
16 certificate, right?

17           A. If it's an amended birth  
18 certificate, yes.

19           Q. Then do you know why Alabama  
20 insists that genitals match the license for  
21 the driver?

22           MR. CHYNOWETH: Object to form.

23           A. I mean, that's our policy.

1                   Q. Does it matter what country they  
2 were born in?

3                   A. No.

4                   Q. Does it matter what the country's  
5 policy for changing the sex designation on the  
6 birth certificate is?

7                   A. No.

8                   Q. And under policy order 63 a person  
9 may have the sex designation changed on their  
10 license with a letter from a physician who  
11 performed gender reassignment surgery; is that  
12 correct?

13                  A. Yes.

14                  Q. What happens if the physician has  
15 retired, died, or otherwise becomes  
16 unavailable?

17                  A. I've never had that happen, so --

18                  Q. What would you do if that were to  
19 occur?

20                  A. I would probably ask for guidance.

21                  Q. From whom would you ask guidance  
22 from?

23                  A. I would probably have to go up my

1 because you would have to have the top done.

2 Q. So are you saying that if you were  
3 to have what some -- some are all bottom  
4 surgery, but if you don't have top then it  
5 doesn't work under the policy, they would be  
6 denied?

7 A. It says complete surgery. So it  
8 has to be irreversible completed surgery.

9 Q. I still don't know what that means,  
10 what complete surgery means.

11 MR. CHYNOWETH: Object to the form.

12 Q. You don't have a definition of  
13 complete surgery, do you? Let me retract  
14 that. Do you have a definition of complete  
15 surgery?

16 A. Do I have anything written out that  
17 states what complete surgery is; is that what  
18 you're asking? No, I don't.

19 Q. Yes. Do you have any verbal  
20 guidance as to what complete surgery is?

21 A. Complete surgery would be having,  
22 like I said, top and bottom both done.

23 MR. BOONE: Okay. If we could take

1 a short break.

2 (Break taken.)

3

4 Q. Someone could be assigned male at  
5 birth but she is a transgender woman and  
6 begins taking hormones and develops breasts.  
7 She then has bottom surgery. Would she be  
8 able to have the sex changed on her license?

9 A. If we get a letter from the doctor  
10 stating she's had the complete irreversible  
11 surgery, yes.

12 Q. But what if it just states the  
13 bottom surgery procedures and not anything  
14 about top surgery because it wasn't necessary,  
15 would she be approved?

16 A. No. Our policy says completed  
17 surgery. So if the doctor would state that it  
18 was irreversible surgery, then it would be.

19 Q. So would top surgery not be  
20 necessary for that woman?

21 A. I mean, I'm not a doctor, so --

22 Q. But you are --

23 A. What we require is a letter from

1 person physically present in Alabama has an  
2 ID?

3 A. I'm sure that's possible.

4 Q. Would you agree some people carry  
5 ID that is not their own?

6 A. I'm sure that could happen.

7 Q. Would you agree that not every  
8 person physically present in Alabama was born  
9 in Alabama?

10 A. Yes, I'm sure there's people that  
11 weren't born here that's in Alabama.

12 Q. Would you agree that not every  
13 person physically present in Alabama was born  
14 in the United States?

15 A. Yes.

16 Q. Would you agree that it's possible  
17 some transgender people have changed the sex  
18 designation on their Alabama driver's license  
19 without having surgery?

20 A. Not without a letter or amended  
21 birth certificate.

22 Q. I'll ask again. Would you agree  
23 that it is possible some transgender people

1 have changed the sex designation on their  
2 Alabama driver's license without having  
3 surgery if, for example, they were born in a  
4 state that permitted amendments to the birth  
5 certificates without proof of surgery?

6 A. Yes, if they --

7 Q. Can you say that again?

8 A. Yes, if they gave us an amended  
9 birth certificate.

10 Q. I'm going to show you some  
11 documents.

12 (Plaintiff's Exhibit Number 24 was  
13 marked for identification. A copy  
14 is attached.)

15 Q. This is marked as Plaintiff's  
16 Exhibit 24. The discovery number is 208.  
17 Could you please describe this document?

18 A. It's a letter stating that this  
19 doctor had performed reassignment surgery,  
20 successfully completed and in is compliance  
21 with the World Professional Association for  
22 Transgender Health.

23 Q. Do you recognize this document?

1           Q. And why didn't you approve this?

2           A. Because the doctor did not perform  
3 the surgery. He just examined.

4           Q. So once you saw -- tell me when you  
5 knew that this wasn't the surgeon from your  
6 perspective.

7           A. I have completed a physical  
8 examination of her subsequent to these  
9 procedures.

10          Q. Did you think the letter was  
11 fraudulent?

12          A. I didn't know if it was or not, but  
13 it did not meet our policy. It was not from  
14 the surgeon.

15          Q. Do you see where it says in the  
16 third paragraph Destiny Clark has undergone  
17 medical and psychological testing, receiving  
18 ongoing hormone replacement therapy, and was  
19 referred for and received surgical procedures  
20 to irreversibly correct her anatomy to match  
21 her gender?

22          A. Yes.

23          Q. That isn't enough for there to be a

1                   surgeon?

2                   A. Because this letter states all  
3                   these procedures have been done, and he just  
4                   put I performed a surgical procedure. He did  
5                   not say he did a complete surgery or a  
6                   complete irreversible surgery. It just said a  
7                   surgical procedure.

8                   Q. What if a wasn't there?

9                   A. It still doesn't say that he did  
10                  the complete surgery or it was irreversible.

11                  Q. We have previous documents that  
12                  don't state the word complete and  
13                  irreversible, correct?

14                  A. Correct.

15                  Q. And they were approved, right?

16                  A. They stated irreversible or  
17                  complete, I think. There may have been one  
18                  that didn't. I don't remember.

19                  Q. Let's look on this one. So on  
20                  Plaintiff's Exhibit 28 does it say the word  
21                  complete or irreversible on that document?

22                  A. No.

23                  Q. So why --

1           A. This one doesn't.

2           Q. So why wasn't this document  
3 approved, which is Plaintiff's Exhibit 30?

4           A. Because it says has been living as  
5 a transgender female -- having been living as  
6 a transgender female has previously been to my  
7 practice for evaluation prior to gender  
8 transformation surgery. Then it says I  
9 performed a surgical procedure related to  
10 gender transformation.

11           Q. So is one surgical procedure never  
12 enough according to ALEA's policy 63?

13           A. It should be completed surgery.

14           Q. Although that didn't matter before,  
15 right?

16           A. Well, this doesn't say they did the  
17 surgery for gender reassignment surgery. It  
18 just says he performed a surgical procedure  
19 related to.

20           Q. Do you remember your phone call  
21 with the doctor's office concerning  
22 Plaintiff's Exhibit 30?

23           A. That's what I've got in my hand. I

1       driver's license -- I mean, your birth  
2       certificate.

3           Q. Do you have to have a birth  
4       certificate to get an Alabama driver's  
5       license?

6           A. Yes, I believe so. I don't work in  
7       the exam office. But, yes, I believe you do  
8       have to.

9           Q. Now, I know from personal  
10      experience that a passport can be also  
11      considered a primary document like a birth  
12      certificate. Does that sound right to you?

13           A. Yes.

14           Q. So you could use a passport in lieu  
15      of a birth certificate, correct?

16           A. I believe so.

17           Q. What do you know about the medical  
18      advisory board?

19           A. It's a group of doctors that we  
20      have on a board that we contact if we need  
21      assistance or guidance.

22           Q. Have you ever contacted any of the  
23      doctors?

1                   Q. -- regarding any of the  
2 applications under policy order 63?

3                   A. No.

4                   Q. You said no, right?

5                   A. Yes.

6                   Q. I just wanted to -- has anyone in  
7 the medical unit ever called the medical  
8 advisory board to consult about policy order  
9 63?

10                  A. No.

11                  Q. Do you know if the medical advisory  
12 board was involved with crafting policy order  
13 63?

14                  A. I don't believe so.

15                  Q. Do you know why not?

16                  A. They're mostly for driver's  
17 license, for the medical standards for  
18 driver's licensing. It's more of the medical  
19 of like endo, cardio, things we follow people  
20 for that have conditions that might be  
21 dangerous when they're driving.

22                  Q. So you wouldn't contact them about  
23 any of the different types of operations --